

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

PAMELA ERWIN,

Petitioner,

v.

WILLIAM REUBART, *et al.*,

Respondents.

Case No. 2:23-cv-00697-ART-NJK

ORDER

In this habeas corpus action the petitioner, Pamela Erwin, represented by appointed counsel, filed a first amended petition for writ of habeas corpus on April 29, 2024. (ECF No. 19.) On that same date, Erwin filed a motion for leave of court to file a second amended petition. (ECF No. 21.)

In the motion for leave to file a second amended petition, Erwin states that they filed the first amended petition as a “protective” petition, on the date on which they believe the applicable statute of limitations expired. (*Id.* at 2.) Erwin states that they wish to further investigate the case, however, and file a second amended petition. (*Id.*) The respondents filed a notice on May 13, 2024, stating that they do not oppose Erwin’s motion for leave to file a second amended petition. (ECF No. 22.) Under Federal Rule of Civil Procedure 15(a)(2), a party may amend a pleading with the Court’s leave. “The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). “This policy is to be applied with extreme liberality.” *Hoang v. Bank of Am., N.A.*, 910 F.3d 1096, 1102 (9th Cir. 2018) (internal quotation marks omitted). The Court determines that there is good cause for Erwin to file a second amended petition. The Court will grant Erwin’s motion.

In granting this motion, the Court does not comment upon, or affect in any manner, the operation of any statute of limitations.

1           It is therefore ordered that Petitioner's Motion for Leave to File a Second  
2 Amended Petition (ECF No. 21) is granted. Petitioner is granted leave of court to  
3 file a second amended petition for writ of habeas corpus. Petitioner will have 90  
4 days from the date this order is entered to file the second amended petition. In  
5 all other respects, the schedule for further proceedings set forth in the scheduling  
6 order entered December 1, 2023 (ECF No. 12) will remain in effect.

7           Dated this 20<sup>th</sup> day of May 2024.

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10 ANNE R. TRAUM  
11 UNITED STATES DISTRICT JUDGE  
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